

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No. 1413 of 1985

For Approval and Signature:

HONOURABLE MR.JUSTICE R.S.GARG

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1 Whether Reporters of Local Papers may be allowed
to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy
of the judgment ?

4 Whether this case involves a substantial question
of law as to the interpretation of the
constitution of India, 1950 or any order made
thereunder ?

5 Whether it is to be circulated to the civil
judge ?

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MINOR KALYANSING THROUGH HIS GUARDIAN MANORSING LALSING -
Appellant(s)
Versus
SOMABHAI HARJIVANDAS PRAJAPATI & 2 - Defendant(s)

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Appearance :

MR RN SHAH for Appellant,
NOTICE SERVED for Respondent Nos.1 & 2.
MS AMEE YAJNIK for Respondent No.3,

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CORAM : HONOURABLE MR.JUSTICE R.S.GARG

Date : 21/06/2007

ORAL JUDGMENT

1. Mr.R.N. Shah, learned counsel for the appellant. None for
the respondent Nos.1 and 2. Dr.Amee Yajnik, learned
counsel for the respondent No.3.

2. The claimant, a minor, being aggrieved by the impugned

Judgement and Award dtd.20/12/1984 in not awarding full claim amount in Motor Accident Claim Petition No.474 of 1982 by the learned Motor Accident Claims Tribunal (Auxi), Ahmedabad Rural at Narol, is before this Court with a submission that some additional amount is required to be paid to the original claimants.

3. After taking me through the records, injury report and disability report, learned counsel for the claimant submitted that if a sum of Rs.5000=00, in addition to what has already been awarded, is ordered, the claimant would be satisfied.
4. Dr.Amee Yajnik, learned counsel for the Insurance Company, however, submits that present is not a fit case for enhancement, because, the learned tribunal has considered the case in right perspective and in accordance with law.
5. After going through the records, I must hold that the learned tribunal was absolutely justified in assessing the monthly income at the rate of Rs.700=00 per month. The learned tribunal was also justified in holding that the

prospective loss of the income could safely be estimated at Rs.200=00 per month. However, the tribunal went wrong in applying multiplier of 15. In the opinion of this Court, multiplier of 17 at least could have been applied. I, accordingly, direct that the appellant - claimant would be entitled to a total amount of Rs.40,800=00 under the sub-head of future economic loss i.e. an additional amount of Rs.4800=00. To this extent, the appeal is allowed. The respondents shall jointly and severally pay the amount of Rs.4800=00 in addition to what has already been awarded, with interest at the rate of 6% per annum, from the date of the claim petition till realisation of the amount.

6. The appeal to the extent indicated above, is allowed. No costs.

(R.S. GARG, J.)

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